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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/090440
		Filing Date	March 4, 2002
		First Named Inventor	Grant McFadden
		Art Unit	1642
		Examiner Name	M. Yu
Total Number of Pages in This Submission	9	Attorney Docket Number	MDSP-P01-002

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	- 6 non-US patent references (BA, BB, and CP-CS)
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	- Copy of Supplementary Partial European Search Report (4 pages)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	- Certificate of mailing under 37 C.F.R. 1.8 (1 page)
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

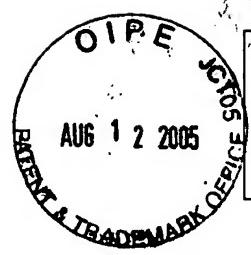
Firm Name	ROPES & GRAY LLP		
Signature			
Printed name	Yu Lu, Ph.D.		
Date	August 10, 2005	Reg. No.	50,306

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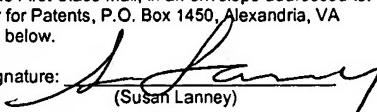
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(Susan Lanney)

Docket No.: MDSP-P01-002  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

McFadden *et al.*

Confirmation No.: 3416

Application No.: 10/090440

Art Unit: 1642

Filed: March 4, 2002

For: METHODS AND REAGENTS FOR  
REGULATING APOPTOSIS

Examiner: M. Yu

### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.97, Applicant(s) hereby make of record the following additional documents. A PTO Form SB/08 and a full copy of each of the documents required under 37 C.F.R. § 1.98(a)(2) accompany this statement.

Applicant(s) have become aware of the following documents, cited in a Supplementary Partial European Search Report issued on July 13, 2005, during the prosecution of the European patent application No. EP 02 71 5050, which corresponds to the above referenced application, and in accordance with 37 C.F.R. §§ 1.97(c) and (e)(1) or (b)(3), hereby submit(s) these documents for the Examiner's consideration. These documents are cited on the enclosed PTO Form SB/08, and a copy of the Supplementary Partial European Search Report and of each document required under 37 C.F.R. § 1.98(a)(2) cited thereon are enclosed as well.

This statement is not to be interpreted as a representation that the cited documents are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any document herein be construed *per se* as a representation that

such document is prior art. Moreover, Applicant(s) understand(s) the Examiner will make an independent evaluation of the cited documents.

The undersigned hereby certifies that each item contained in this Supplemental Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Furthermore, in accordance with 37 C.F.R. § 1.704(d), Applicant(s) note(s) that to our knowledge, this communication was not received by any individual designated in 1.56(c) more than thirty days prior to the filing of this statement.

Applicant believes no fee is due with this response. However, if a fee is due, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-1945, under Order No. MDSP-P01-002, from which the undersigned is authorized to draw.

Dated: August 10, 2005

Respectfully submitted,

By \_\_\_\_\_

Yu Lu, Ph.D.

Registration No.: 50,306

Fish & Neave IP Group

ROPES & GRAY LLP

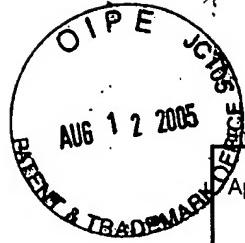
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Application No. (if known): 10/090440

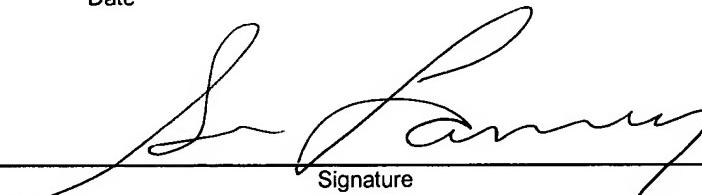
Attorney Docket No.: MDSP-P01-002

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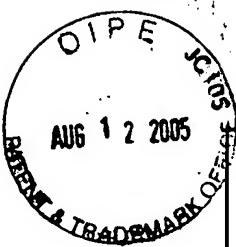
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Transmittal (1 page)  
Supplemental Information Disclosure Statement (2 pages)  
IDS (Citation) by Applicant (12 References) (1 page)  
6 non-US patent references (BA, BB, and CP-CS)  
Copy of Supplementary Partial European Search Report (4 pages)

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Substitute for form 1449A/B/PTO				Complete If Known	
				Application Number	10/090440
				Filing Date	March 4, 2002
				First Named Inventor	Grant McFadden
				Art Unit	1642
				Examiner Name	M. Yu
Sheet	1	of	1	Attorney Docket Number	MDSP-P01-002

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
AG*	US-5,770,443-A		06-23-1998	Kiefer et al.	
AH*	US-6,903,195-B1		06-07-2005	Kiefer et al.	
AI*	US-5,998,131-A		12-07-1999	Barr et al.	
AJ*	US-6,015,687-A		01-18-2000	Kiefer et al.	
AK*	US-6,586,395-B1		07-01-2003	Kiefer et al.	
AL*	US-20030008837-A1		01-09-2003	Kiefer et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			
BA	WO-95/15084		06-08-1995	LXR Biotechnology Inc.	
BB	WO-96/33416		10-24-1996	LXR Biotechnology Inc.	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with an single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	CP	CHITTENDEN et al., Induction of Apoptosis by the BCL-2 Homologue BAK. Nature 374: 733-736, 1995.			
	CQ	EVERETT et al., M11L: A Novel Mitochondrial-Localized Protein of Myxoma Virus that Blocks Apoptosis of Infected Leukocytes. Journal of Experimental Medicine 191(9): 1487-1498, 2000.			
	CR	KIEFER et al., Modulation of Apoptosis by the Widely Distributed BCL-2 Homologue BAK. Nature 374: 736-739, 1995.			
	CS	WANG et al., Myxoma Virus M11L Prevents Apoptosis Through Constitutive Interaction with Bak. Journal of Virology 78(13): 7097-7111, 2004.			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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